IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Crl.MC.No. 5320 of 2003()

AGAINST THE ORDER DATED 13/11/2003 IN CRMP.1166 & 1167/2003 IN CC.2961/2002 of JUDL.MAGISTRATE OF FIRST CLASS-II, ALUVA

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PETITIONER: PETITIONER IN CRL.MP.NO.1166/2003

BABY PAUL, BRANCH MANAGER,
M/S.MUTHOOT LEASING AND FINANCE LTD.,
KALADY, KALADY P.O., ERNAKULAM DISTRICT.

BY ADV. SRI.JOHN JOSEPH(ROY)
SRI.RUSSEL JOY

RESPONDENTS:

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1. DR.RADHA W/O. KALADHARAN,
KALPAKASSERY HOUSE, H.NO.24, GCDA COLONY POORNA NAGAR, ALUVA.

2. T.P.KRISHNAN KUTTY
S/O.PARAMESWARAN PILLAI, PUTHENVEETTIL HOUSE,
NEAR PARUR JUNCTION, ALUVA WEST VILLAGE,
ALUVA, THOTTAKKATTUKARA.

3. STATE OF KERALA REP.BY S.I. OF POLICE,
ALUVA.

BY ADV. SRI.KRISHNA PRASAD. S
SRI.K.S.CHANDRA BOSE
PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 14/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl. M.C.No.5320 of 2003-D

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Dated this the 14th day of November, 2007

O R D E R

The petitioner has sought for getting quashed the common order in C.M.P.Nos.1166/2003 and 1167/2003 granting interim custody of the gold ornaments to the de facto complainant under Section 451 Cr.P.C on executing a bond for Rs.1,40,000/- with two solvent sureties for the like sum. The petitioner is the Branch Manager of a private bank in which the alleged accused pledged the gold ornaments and availed a sum of Rs.2,08,000/-. C.M.P.No.1166/2003 is filed by the petitioner herein. The matter involved in the police charge sheeted case, C.C.No.2961/2003, is the offence under Section 420 read with Section 34 I.P.C. The de facto complainant had filed C.M.P.No.1167/2003 for getting interim custody of the gold ornaments. The ornaments were seized by the police during the investigation. As against the real owner, the petitioner cannot contend that the same should be returned to the petitioner. I find no grounds to interfere with the order of the court below. The Crl.M.C is dismissed.

Sd/-
K.R.UDAYABHANU,
Judge

ms

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P.A.to Judge